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February 17, 2023

The Honorable Analisa Torres  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street  
New York, NY 10007-1312

***Re: 1:22-cv-10695-AT; Plaintiff's Request for an Extension of Time Within Which to Effectuate Service on Defendant and an Extension of Time Within Which to Submit a Joint Letter and Jointly Proposed Case Management Plan and Scheduling Order***

Dear Judge Torres,

The James Law Firm, PLLC represents Plaintiff in the above captioned matter. This matter has been filed as a John Doe against the internet subscriber assigned the referenced IP address. Plaintiff respectfully requests an extension of the time within which to effectuate service on John Doe and for an extension of time within which to submit a joint letter and jointly proposed Case Management Plan and Scheduling Order, and for the resetting of all proposed scheduling deadlines until after the Defendant has been named and served.

On December 19, 2022, Plaintiff filed the instant case against John Doe subscriber assigned IP address 98.7.197.51 claiming Defendant's direct infringement of Plaintiff's works through BitTorrent protocol [CM/ECF 1].

On January 5, 2023, Plaintiff filed a Letter Motion for Leave to Serve a Third-Party Subpoena Prior to a Rule 26(f) Conference in order to serve a third-party subpoena on Defendant's ISP ("Pre-Motion Letter"). [CM/ECF 8].

On January 9, 2023, the Court granted Plaintiff's Pre-Motion Letter. [CM/ECF 9].

On February 17, 2023, Plaintiff filed a Motion for Leave to Serve a Third-Party Subpoena Prior to a Rule 26(f) Conference ("Motion"). [CM/ECF 9].

Until Plaintiff is granted permission to serve a third-party subpoena on Defendant's ISP, Plaintiff will be unable to learn Defendant's identity and, therefore, is currently unable to effectuate service of process.

Pursuant to the Initial Pretrial Scheduling Order entered on December 21, 2022, counsel for all parties are directed to submit a joint letter and jointly proposed Case Management Plan and Scheduling Order by February 17, 2023. [CM/ECF 7]. Because Defendant's identity is currently unknown to Plaintiff, Plaintiff is unable to confer with counsel for Defendant at this time and submit a joint letter and proposed Case Management Plan.

Pursuant to Fed. R. Civ. P. Rule 4(m), Plaintiff is required to effectuate service on the Defendant no later than March 19, 2023. Plaintiff respectfully requests that the deadline to effect service be extended for an additional sixty (60) days, and thus the deadline to effect service be extended to May 18, 2023.

For the foregoing reasons, Plaintiff respectfully requests that the time within which it has to effectuate service of the summons and Amended Complaint on Defendant be extended to May 18, 2023, and that the time within which it has to submit a joint letter and jointly proposed Case Management Plan and Scheduling Order, is extended until after the Defendant has been served with the summons and Amended Complaint.

Respectfully Submitted,

By: /s/Jacqueline M. James  
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GRANTED. By **May 18, 2023**, Plaintiff shall serve Defendant. By **June 1, 2023**, the parties shall file a joint letter and proposed case management plan.

SO ORDERED.

Dated: February 21, 2023  
New York, New York

  
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ANALISA TORRES  
United States District Judge